

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39736 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- SHASTRINAGAR District- Patna

Pintu Kumar @ Pintu Rai @ Pintu Yadav S/O Of Late Ram Kumar Rai @
Late Ram Kumar Ray R/o Chhihantar, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 28-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Yogesh Chandra Verma, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The petitioner seeks bail in connection with Shastri
Nagar P.S.Case No. 152 of 2021 registered for the offences
punishable under Sections 307,302,120B of the Indian Penal
Code and 27 of the Arms Act.

As per prosecution case, it is alleged that on
31.03.2021, the father of the informant namely,
Birendra Prasad went to IGMS, Gate no. 3 for refreshment at
Pintu Bhojnalaya, in the meantime, some unknown persons
started indiscriminate firing upon father of the informant due to



which, he sustained injuries and later on succumbed to injuries. It is also alleged that in course of firing one boy was also sustained firearm injury.

It is submitted by the learned counsel for the petitioner that petitioner is not named in the FIR and his name has transpired on the confessional statement of co-accused persons. It is further submitted that there is no eye witness to the alleged occurrence and the informant has not disclosed as to how and from whom, he gathered the information regarding commission of the occurrence. It is also submitted that except confessional statement, there is no material suggesting the complicity of this petitioner. Further there is specific allegation against co-accused persons, who have allegedly made indiscriminate firing, though the post mortem report suggest that deceased has sustained only one firearm injury. It is lastly submitted that other named co-accused persons against whom ,there is allegation of firing, have already granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 40661 of 2021, Cr. Misc. No. 41749 of 2021 and Cr. Misc. No. 62360 of 2021 vide order dated 12.05.2022, the copy of the order has been Annexed As Annexure-2 to this application.

On the other hand, learned APP for the State



vehemently opposes the bail application of the petitioner and submits that petitioner is said to be one of the conspirator and the entire conspiracy was hatched in his tea stall, which exclusively run by the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that name of the petitioner transpired on confessional statement of the co-accused and moreover, other co-accused persons, who are named in the FIR, have been granted bail by the learned co-ordinate Bench of this Court. Apart from the fact that petitioner is in custody since 02.04.2021 having no criminal antecedent. let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,-IV, Patna in connection with Shastri Nagar P.S.Case No. 152 of 2021, subject to the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

N.K/-

(Harish Kumar, J.)

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